



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
UNITED STATES OF AMERICA, :  
 :  
v. :  
 :  
EDUARDO TALENTINO, :  
 :  
Defendant. :  
-----X

**ORDER**

S1 20 CR 31 (VB)

In a footnote on page 2 of its 13-page single-spaced sentencing memorandum (Doc. #52), defendant objects to certain information in the presentence report ("PSR"), although the PSR itself says that the Probation Department did not receive any objections from defendant.

In a footnote on page 12 of its own 13-page single-spaced sentencing memorandum (Doc. #53), the government says it will make Victim-1 available to testify with respect to the disputed portions of the PSR. In an email sent today to the Court's courtroom deputy, the government says there may be a need for an evidentiary hearing on these matters (i.e., a Fatico hearing) and asks whether the Court intends to conduct the hearing (if the Court thinks a hearing is necessary) at the time of sentencing on September 22, 2021.

The Court finds the casual and "under-the radar" way in which the parties raised the prospect of a Fatico hearing perplexing. In any event, the Court has not yet decided whether a hearing is necessary. The parties shall be prepared to proceed with a hearing on the date of sentencing. Sentencing will not be adjourned.

Dated: September 17, 2021  
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read "Vincent L. Briccetti", written over a horizontal line.

Vincent L. Briccetti  
United States District Judge